

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re: Lymon L. Taylor III,

Debtor.

Case No. 17-26342
Judge: SVK
Chapter 13

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Debtor has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before **21 days** after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Attorney Kyle R. Knutson
Lombardo Law Office
10919 West Bluemound Road
Suite 200
Milwaukee, WI 53226

If you, or your attorney, do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

Lombardo Law Office
10919 W. Bluemound Rd., Suite 200
Milwaukee, WI 53226
Tel: 414-543-3328
Fax: 414-543-0786

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
 X the Debtor;
 the Chapter 13 Trustee (post-confirmation modifications only);
 the holder of an unsecured claim (Name:) (post-confirmation modifications only).
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
A. post-confirmation;
B. X pre-confirmation (Select i. or ii.);
 - i. X Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
 - ii. Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: (*List creditors*)
3. The Proponent wishes to modify the Chapter 13 Plan to do the following: Address potential proceeds from the sale of the dump truck, and increase Debtor's plan payments.
4. The reason(s) for the modification is/are: The plan is not feasible. Debtor needs to increase his plan payments in order to ensure feasibility. In addition, Debtor has a 50% interest in Dumps R Us Trucking, LLC, the sole asset of which is a dump truck. Debtor's business partner, Darrell Riley, operates the business without Debtor's involvement and may sell the dump truck. Debtor needs to provide that if Mr. Riley sells the dump truck, and if Mr. Riley gives any of the sale proceeds to Debtor, Debtor will be required to turn over the non-exempt portion of said proceeds to the Trustee.
5. Select A. or B.
 - A. The Chapter 13 Plan confirmed or last modified on , is modified as follows: (*State the specific language of the modification.*)
 - B. The unconfirmed Chapter 13 Plan dated June 27, 2017, is modified as follows:

(1) **Plan Payments and Length of Plan.** Debtor will pay the sum of \$683.00 per month for the remainder of the plan to the Trustee by ☒ **Monthly Payroll Deduction(s)** or by ☐ Direct Payment(s) for the period of 60 months. The duration of the plan may be less if all allowed claims in every class, other than long-term claims, are paid in full.

(2) **Special Provisions.** Debtor has a 50% interest in interest in Dumps R Us Trucking, LLC. The co-owner, Darrell Riley, is the sole operator of the business, the sole asset of which is a dump truck. In the event Mr. Riley sells the dump truck, and if he gives any portion of the sale proceeds to Debtor, Debtor shall turn over to the Trustee the non-exempt portion of any proceeds he receives.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. **BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

CERTIFICATION

I, Kyle R. Knutson, attorney for Debtor(s) Lymon Taylor III, certify that I have reviewed the modification proposed above with the Debtor(s), and that the Debtor(s) has/have authorized me to file it with the Court.



Counsel for the Debtor(s)

9-20-17

Date

WHEREFORE, the Proponent requests that the Court approve the modification to the Chapter 13 Plan as stated herein.

Dated September 20, 2017 at Wauwatosa, Wisconsin.

LOMBARDO LAW OFFICE
Attorneys for Lymon Taylor III

By: _____


Attorney Kyle R. Knutson
State Bar No. 1056402
Lombardo Law Office
10919 West Bluemound Road
Suite 200
Milwaukee, WI 53226
Tel: (414) 543-3328
Fax: (414) 543-0786
kknutson@lombardolawoffice.com

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re: Lymon L. Taylor III,

Debtor.

Case No. 17-26342

Judge: SVK

Chapter 13

CERTIFICATE OF SERVICE

The undersigned, Gabriella Michalec of Lombardo Law Office, does hereby certify that a copy of this Certificate of Service and a copy of the attached Notice and Request to Modify Chapter 13 Plan were mailed to the persons mentioned below, at their respective addresses, postage prepaid, by depositing them in the U.S. Mail at Wauwatosa, WI on September 20, 2017:

Lymon Taylor III
6922 N. Raintree Dr., Unit C
Milwaukee, WI 53223

Raintree Association, Inc.
c/o Atty. John A. Graettinger
12750 W. North Ave., Suite B
Brookfield, WI 53005

City of Milwaukee
Office of the Treasurer
City Hall, Room 103
200 East Wells Street
Milwaukee, WI 53202

The undersigned, Gabriella Michalec, further certifies that service of the above-referenced documents was made by ECF Notice of Electronic Filing to the following parties:

Scott Lieske, Chapter 13 Trustee
Office of the United States Trustee

Dated this 20th day of September, 2017.

By: _____

Gabriella Michalec

Lombardo Law Office
10919 W. Bluemound Rd., Suite 200
Milwaukee, WI 53226
Tel: 414-543-3328
Fax: 414-543-0786